

Eugene Ashley, Bar No. 171885
eashley@hopkinscarley.com
Noelle R. Dunn, Bar No. 226913
ndunn@hopkinscarley.com
Tina L. Naicker, Bar No. 252766
tnaicker@hopkinscarley.com
HOPKINS & CARLEY
A Law Corporation
The Letitia Building
70 S First Street
San Jose, CA 95113-2406

mailing address:

P.O. Box 1469
San Jose, CA 95109-1469
Telephone: (408) 286-9800
Facsimile: (408) 998-4790

Attorneys for Plaintiff
Mariani Packing Co., Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MARIANI PACKING CO., INC., a
California Corporation,

Plaintiff,

v.

MARIAN TRADING, LTD., a California
Corporation,

Defendants.

CASE NO. C 10-00673 CW

**STIPULATION AND [PROPOSED]
ORDER FOR DISMISSAL**

Judge: Hon. Claudia Wilken
Dept.: Courtroom 2, 4th Floor

STIPULATION FOR DISMISSAL

IT IS HEREBY STIPULATED by and between Plaintiff Mariani Packing Co., Inc.
("Mariani") and Defendant Marian Trading, Ltd. ("Marian") that:

1. The parties have agreed to resolve the case on mutually acceptable terms and have
executed a confidential Settlement Agreement and General Release ("Settlement Agreement")
setting forth the terms of their agreement;

708\835413.1

2. The parties have agreed that Plaintiff Mariani will dismiss its complaint with prejudice pursuant to Federal Rules of Civil Procedure 41;

3. The parties have agreed that each will bear its own costs and attorney fees; and

4. The parties agree that this Court shall retain jurisdiction over this case to enforce the terms of the Settlement Agreement.

IT IS SO STIPULATED.

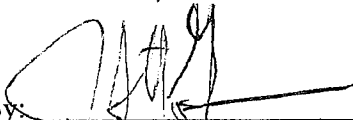
Dated: ^{Apr. 1} March 15, 2011

HOPKINS & CARLEY

By: 
Eugene Ashley
Attorneys for Plaintiff Mariani Packing Co., Inc.

Dated: ^{April} March 13, 2011

DICKENSON, PEATMAN & FOGARTY

By: 
J. Scott Gerien
Attorneys for Defendant Marian Trading, Ltd.

Based on the foregoing stipulation, and for good cause shown, this action is hereby ordered dismissed with prejudice.

Dated: April 18, 2011


U.S. DISTRICT COURT JUDGE